

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION

HUNTER DOSTER, *et al.*,

Plaintiffs,

v.

FRANK KENDALL, *et al.*,

Defendants.

No. 1:22-cv-00084
Hon. Matthew W. McFarland

**DEFENDANTS' REPLY IN SUPPORT OF DEFENDANTS'
MOTION FOR LEAVE TO FILE EXCESS PAGES**

Plaintiffs provide no cogent reason for opposing Defendants' request for an additional six pages (five pages for substantive argument and one page for the requisite summary of argument, *see* S.D. Ohio Civ. R. 7.2(a)(3)). Plaintiffs' primary argument is that Defendants should instead attach annotated versions of Plaintiffs' billing records, as the Government did in *Poffenbarger v. Kendall*, No. 3:22-cv-1 (S.D. Ohio). *See* Pls.' Opp. to Defs.' Mot. for Leave to File Excess Pages, Doc. 138 at PageID 6393–94. But annotated billing records are not a replacement for substantive analysis—they are simply the underlying evidence. Moreover, Plaintiffs' suggestion that the instant fee dispute is comparable to that of *Poffenbarger* is misplaced. The fee dispute in *Poffenbarger*, while similar in some respects, is significantly smaller in scope. Indeed, the plaintiff in *Poffenbarger* requested \$155,128 in attorney's fees and costs whereas Plaintiffs here request \$1.9 million. Defendants submit that the Court would benefit from a comprehensive discussion of the errors in Plaintiffs' billing records. Accordingly, Defendants respectfully request that this Court extend the page limit for Defendants' opposition to Plaintiffs' interim motion for fees and costs by six pages.

Dated: June 18, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

ALEXANDER K. HAAS
Director
Federal Programs Branch

LAUREN A. WETZLER
Deputy Director
Federal Programs Branch

/s/ Cassandra M. Snyder

ANDREW E. CARMICHAEL

AMY E. POWELL

Senior Trial Counsel

STUART J. ROBINSON

Senior Counsel

LIAM HOLLAND

CATHERINE YANG

CASSANDRA SNYDER

Trial Attorneys

Department of Justice

Federal Programs Branch

1100 L Street, N.W., Washington, DC 20005

Tel: (202) 451-7729

Email: cassandra.m.snyder@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2024, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Cassandra M. Snyder
Cassandra M. Snyder